

In re Patent Application of:

Andrea LEONE-BAY *et al.*

Application No.: 10/005,511

Filed: November 7, 2001

**For: COMPOUNDS AND COMPOSITIONS FOR
DELIVERING ACTIVE AGENTS**

**Attorney Handling Renewed Petition:
Paul Shanoski**

Confirmation No.: 2401

Art Unit: 1615

Examiner: J. M. Spear

**RENEWED PETITION UNDER 37 C.F.R. § 1.78(a)(3) FOR UNINTENTIONALLY DELAYED
CLAIM UNDER 35 U.S.C. § 120 FOR THE BENEFIT OF PRIOR-FILED APPLICATIONS**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Paul Shanoski

Dear Sir:

Applicants' petition filed on April 11, 2005 to accept an unintentionally delayed claim under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) was dismissed because it did not provide the proper reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application. The Petitions Examiner stated that the Application Data Sheet failed to indicate the relationship between the present application and PCT application PCT/US96/04580, as well as the relationship between PCT/US96/04580 and U.S. Serial No. 08/414,654.

Applicants submit herewith a revised Application Data Sheet (ADS). The revised ADS states that the present application is a continuation-in-part of International Application No. PCT/US96/04580, filed April 1, 1996 and published as WO 96/30036 on October 3, 1996, which is a continuation-in-part of U.S. Serial No. 08/414,654, filed March 31, 1995.

The entire delay between the date the priority claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

The Comissioner is authorized to charge deposit account No. 04-01000 for any necessary fees associated with this renewed petition, including the surcharge set forth in § 1.17(t).

Acceptance of the delayed priority claim to International Application No. PCT/US96/04580, U.S. Serial No. 08/414,654, and U.S. Serial No. 60/003,111 is respectfully requested.

Dated: October 4, 2005

Respectfully submitted,

By  _____

Jason C. Chumney

Registration No.: 54,781

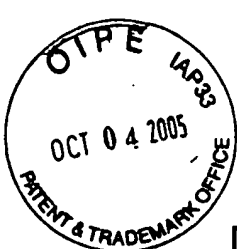
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
		Application Number	10/005,511
		Filing Date	November 7, 2001
		First Named Inventor	Sam J. Milstein
		Examiner Name	J. M. Spear
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	1615	
TOTAL AMOUNT OF PAYMENT	(\$) 0.00	Attorney Docket No.	01946/100B861-US2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 04-0100 Deposit Account Name: Darby & Darby P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims 201 - 201 = 0 **Extra Claims** 0 x 0 = 0 **Fee (\$)** 0 **Fee Paid (\$)** 0

Multiple Dependent Claims
Fee (\$) 0 **Fee Paid (\$)** 0

Indep. Claims 2 - 3 = 0 **Extra Claims** 0 x 0 = 0 **Fee (\$)** 0 **Fee Paid (\$)** 0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets 201 - 100 = 101 **Extra Sheets** 101 / 50 = 2 (round up to a whole number) x 250 = 500 **Fee (\$)** 500 **Fee Paid (\$)** 500

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

Renewed Petition for Unintentionally Delayed Claim for Priority

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SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	54,781	Telephone	(206) 262-8919
Name (Print/Type)	Jason C. Chumney	Date	October 4, 2005		

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October 4, 2005

Attorney Docket No.: 01946/100B861-US2

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VIA EXPRESS MAIL

Mail Stop Petition
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Alexandria, VA 22313-1450

ATT: Paul Shanoski, Esq.

Re: **Renewed Petitions Under 37 C.F.R. §§ 1.78(A)(3) and 1.78(A)(6)**
U.S. Patent Application No. 10/005,511

In support of the Renewed Petition Under 37 C.F.R. §§ 1.78(a)(3) and 1.78(a)(6),
Applicants submit herewith:

- (1) A Renewed Petition under 37 C.F.R. § 1.78(a)(3) for Unintentionally
Delayed Claim under 35 U.S.C. § 120 for the Benefit of Prior-Filed
Applications;
- (2) A revised Application Data Sheet.

Applicants request that this renewed petition be granted.

Sincerely

Jason C. Chumney

JCC:sjw

Encls.